IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1865 of 2005

Between:

Smt.A.Vijaya Laxmi, w/o D.L.Pandu,
Jawahar Balbhavan, Gadwal, Mahaboobnagar District,

now deputation to o/o the
Director Jawahar Balbhavan, Public Gardens,

Nampally, Hyderabad.

..... PETITIONER

AND

1. Director & Special Officer, Jawahar Balbhavan, Public Gardens, Nampally, Hyderabad.
2. The Government of A.P., rep., by its Principal Secretary, School Education,

Secretariat, Hyderabad.
3. The Principal Secretary, Finance Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction, more particularly one in the nature of *Writ of Mandamus* declaring the action of the 1st respondent in not implementing of G.O.Rt.No.509 dated 9-6-2003 and not paying salary is illegal, improper, unconstitutional, against principles of natural justice and contrary to G.O.Ms.No.167 dated 8-6-1998 consequently direct the respondents to appoint me as Junior Assistant in the office of the 1st respondent and to pay my salary from 03-12-2003 to till date forthwith.

Counsel for the Petitioner: MR.D.KRISHNA REDDY

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court made the following:

ORDER:

Challenging the action of the first respondent in not implementing the G.O. Rt. No.509, dated 09.06.2003 and not paying salary to the petitioner from 03.12.2003 till date, the present writ petition is filed.

2. The learned counsel for the petitioner contended that as per G.O. Rt. No. 509, dated 09.06.2003, the Government accorded permission to the first respondent-Director and Special Officer to utilize the services of the writ petitioner as Dance Instructor, Bal Bhavan, Gadwal, Mahaboobnagar District at Jawahar Bal Bhavan, Hyderabad against the post of Junior Assistant on deputation basis for a period of two years. The said order has been issued in concurrence of the Finance (W&M) Department, vide U.O.No.8541/267/A2/W&M/03, dated 27.03.2003.

3. The learned Government Pleader for Education brought to the notice of this Court about the proceedings issued by the Director and Special Officer, Jawahar Bal Bhavan, dated NIL February, 2005, wherein it is clearly stated that there is no vacancy of Junior Assistant in the Department, and, therefore, the petitioner was taken as Record Assistant on deputation in the said post.

4. In the absence of any post of Junior Assistant, the petitioner cannot be absorbed and the question of implementing the G.O. Rt. No.509, dated 09.06.2003 does not arise. In that view of the matter, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to allow the

petitioner on deputation in case of any vacancy arises in future. No costs.

5. Accordingly, the writ petition is disposed of at the admission stage. No costs.

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(K.C. BHANU, J)

Date: 09.02.2005

Note: Issue C.C. in two days

B.O.

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Director & Special Officer, Jawahar Balbhavan,

Public Gardens, Nampally, Hyderabad.
2. The Principal Secretary, Government of A.P.,

School Education, Secretariat, Hyderabad.
3. The Principal Secretary, Finance Department,

Secretariat, Hyderabad.

4. Two C. Cs to G.P. for School Education, High Court Buildings,

Hyderabad (OUT).

5. 2 CD copies

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